

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION**

RICHARD BROWN

PLAINTIFF

V.

NO. 3:05CV00156-HLJ

JO ANNE B. BARNHART,  
Commissioner, Social  
Security Administration

DEFENDANT

**ORDER**

Defendant has filed a motion to remand this case pursuant to sentence four of 42 U.S.C. § 405(g):

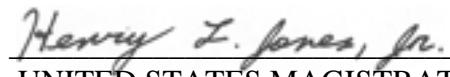
The court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a hearing.

The Commissioner seeks remand for further evaluation of the record, including Plaintiff's covered earnings of \$13,846 as posted on his earnings record for 2001, and the medical and other evidence of record. Plaintiff replied that he has no objection to the requested remand (docket entry #19). Under the circumstances, a sentence four remand is appropriate. *Buckner v. Apfel*, 213 F.3d 1006, 1010-1011 (8<sup>th</sup> Cir. 2000).

Accordingly, it is hereby

ORDERED that Defendant's motion to remand (docket entry # 18) is granted. This is a "sentence four" remand. This dismissal is without prejudice to Plaintiff's subsequent filing for attorney's fees under the Equal Access to Justice Act.

DATED this 5th day of May, 2006.

  
UNITED STATES MAGISTRATE JUDGE